

1927

c 326 High Schools Act

Ontario

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CHAPTER 326.

The High Schools Act.

1.—(1) In this Act,—

Interpreta-
tion.

(a) "Board" shall mean board of high school trustees; "Board."

(b) "County Judge" and "Judge" shall mean the senior judge of the county or district court of the county or district in which the high school is or is to be situate, or, if he is a member of the high school board or is unable to act or is disqualified, shall mean the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, shall mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; R.S.O. 1914, c. 268, s. 2 (1), cls. (a, b). "County judge" or "judge."

(c) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county but not within the limits of a high school district or of a town or village or school section or sections in which a continuation school is established within that county and shall not include pupils who are resident pupils as herein defined, but any pupil resident in a high school district or continuation school section shall be regarded as a county pupil in respect to a high school or continuation school outside such district or section when such school (a) is reasonably accessible to such pupil while the school in the district or section in which he resides is not thus accessible; or (b) provides for such pupil a course of study which is not offered in the school in his own district or section; and in case of dispute as to liability of the county to contribute to the cost of education of any such pupil the matter shall be determined by the judge in a manner similar to that provided for in the case of an application to the judge under section 35; 1925, c. 78, s. 8. "County pupils."

(d) "Department" shall mean Department of Education; "Department."

"High
School."

(e) "High School" shall include a collegiate institute;

"High
School
District."

(f) "High School District" shall mean the municipalities and parts of municipalities over which a board has jurisdiction;

"Mainten-
ance."

(g) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the regulations, and shall also include gratuities and retiring allowances granted to teachers;

"Minister."

(h) "Minister" shall mean Minister of Education;

"Municipal-
ity."

(i) "Municipality" shall include a city, town, village or township but not a county;

"Non-resi-
dent pupils."

(j) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined;

"Permanent
improvements."

(k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school-house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the regulations;

"Regula-
tions."
Rev. Stat.
c. 522.

(l) "Regulations" shall mean regulations made by the Minister under *The Department of Education Act*;

"Resident
pupils."

(m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein;

"Separated
town."

(n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization;

- (o) "Urban municipality" shall mean a city, town or village. R.S.O. 1914, c. 268, s. 2 (1), cls. (d-o). "Urban municipality."

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers the same shall be determined by the last enumeration by the assessor. References to population.

(3) The certificate of the clerk of the municipality with respect to such population or number shall be final and conclusive. R.S.O. 1914, c. 268, s. 2 (2, 3). Certificate of clerk to be final.

HIGH SCHOOL CORPORATIONS.

2.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of _____" or "The Collegiate Institute Board of _____" as the case may be, adding the name of the municipality within which the high school or collegiate institute is situate. Trustees to be a corporation.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. R.S.O. 1914, c. 268, s. 3. Term of office.

HIGH SCHOOL DISTRICTS.

3. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that such district has not been legally formed. R.S.O. 1914, c. 268, s. 4. Existing high school districts confirmed.

4. The county council may on the petition of any municipal council detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. R.S.O. 1914, c. 268, s. 5. Lands not relieved from rates.

5.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof not separated from such county and contiguous to any high school district or village or to a town in such county, may by Unions of municipalities or portions thereof for high school purposes.

by-law unite such municipality or part thereof to such district, village or town for high school purposes; and the union shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law. R.S.O. 1914, c. 268, s. 6 (1); 1922, c. 98, s. 19.

Dissolution
of union.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, village or town may by by-law dissolve the union; but no such by-law shall come into operation until the 1st day of January next following the expiration of six months after the passing thereof, nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed, but no action that a county council may hereafter take shall alter the boundaries of the district of a high school, as empowered in section 13 of *The Continuation Schools Act*, so as to take from the area liable to assessment any property that was in the district when it was established as a continuation school district, before the expiration of five years from the date of the passing of this Act. R.S.O. 1914, c. 268, s. 6 (2); 1915, c. 43, s. 5.

Rev. Stat.
c. 325.

Assets vested
in board of
united munici-
pality.

(3) Where two municipalities become united all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality. R.S.O. 1914, c. 268, s. 6 (3).

Authority to
establish a
high school
district com-
prising whole
county.

(4) The council of any county, with the approval of the Lieutenant-Governor in Council, may by by-law discontinue the high school districts within the county and establish a high school district to be comprised of the whole of the county and such by-law shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law. 1921, c. 89, s. 13.

NEW HIGH SCHOOLS.

Establishment
and discontin-
uance of high
schools.

6.—(1) On or before the 1st day of July in any year the council of a county may, with the approval of the Minister, pass by-laws for the establishment of a new high school district,—

(a) for a municipality not separated from the county and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district already established; R.S.O. 1914, c. 268, s. 7 (1) cl. (a); 1924, c. 82, s. 15;

(b) for two or more townships or parts of townships within such county, if there are at least three

thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts or townships petition for such high school district;

- (c) in a village in such county or in a town therein not separated from the county, including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, if the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district; R.S.O. 1914, c. 268, s. 7 (1), cls. (b, c);

- (d) for a portion of a township adjacent to a city having a population of at least 50,000, if there are at least 2,000 inhabitants within the proposed district and the council of the township petition for such high school district. 1920, c. 99, s. 5.

- (2) In the case provided for by clause *b* of subsection 1 the high school shall be located at such place as is named in the petition. R.S.O. 1914, c. 268, s. 7 (2). Location of school.

- (3) In a provisional judicial district the council of a township may by by-law, with the approval of the Minister, establish the township as a high school district. High school district in township in provisional judicial district.

- (4) The board of trustees shall be composed of six members who shall be appointed by the council of the township annually at the first meeting of the council in each year and shall hold office until their successors are appointed. 1922, c. 98, s. 20. Board of trustees.

- (5) The board of trustees of a high school district established under subsection 1 may establish a high school and, with the approval of the Minister, such additional high schools as the trustees may deem necessary and, subject to the provisions of section 41, may provide for the location, erection, maintenance and management of the high school or schools so established. 1926, c. 67, s. 5. Establishment of one or more high schools in high school district.

7.—(1) The council of a city or separated town may, with the approval of the Minister, by by-law provide that a high school shall be established in such city or town. Establishment of high schools.

- (2) Where a high school has been established in a city or separated town the board of high school trustees or board of education of the city or town may establish such additional high schools as it may deem necessary and, subject to the provisions of section 41, may provide for the location, erection, maintenance and management of the same. 1925, c. 78, s. 16. Additional schools.

COURSES OF STUDY.

Course of instruction.

8.—(1) The courses of study shall be those prescribed by the regulations.

Collegiate institutes.

(2) Any high school which complies with the regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister.

Reducing collegiate institutes.

(3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. R.S.O. 1914, c. 268, s. 9.

Military instruction.

9.—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes.

Grants for athletics.

(2) A board may annually vote a sum not exceeding \$150 for each high school within its jurisdiction for the encouragement of athletics and to defray the expenses of school games. R.S.O. 1914, c. 268, s. 10.

Instruction in agriculture.

10. A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved by the Minister to give instruction in agriculture to the pupils of their respective schools; and the instructor shall perform such duties and the funds set apart for instruction in agriculture shall be expended for such purposes as may be prescribed by the regulations. R.S.O. 1914, c. 268, s. 11.

TRUSTEES.

Qualification of trustees.

11. Any ratepayer who is a British subject, has attained the age of twenty-one years, resides in the high school district, or in the county or municipality in the case of a county or of a district municipality appointment, and who is not a member or officer of a municipal council shall be qualified to be a high school trustee. R.S.O. 1914, c. 268, s. 12; 1925, c. 78, s. 9.

Number of trustees.

12. Every high school board shall consist of at least six trustees. R.S.O. 1914, c. 268, s. 13.

Appointment of trustees.

13.—(1) In the case of a high school situate in a municipality of the county not being a city or a separated town, three of such trustees shall be appointed by the county council, two of whom may reside in the county outside the district, and additional trustees shall be appointed as follows:—

(a) Where the district comprises one municipality the council thereof shall appoint three additional trustees;

(b) Where the district comprises two municipalities each council shall appoint two additional trustees; and

(c) Where a district comprises more than two municipalities each council shall appoint one additional trustee. R.S.O. 1914, c. 268, s. 14 (1); 1925, c. 78, s. 10.

(2) A part of a municipality which is assessed for at least \$50,000 shall be deemed a municipality for the purposes of this section. What may be deemed a municipality.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year. R.S.O. 1914, c. 268, s. 14 (2, 3). Annual retirement of trustees.

14. Where a high school district comprises the whole of a county the county council shall appoint six trustees, two of whom shall retire each year. R.S.O. 1914, c. 268, s. 15. Where district composed of county.

15.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board. Trustees in cities and separated towns.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years. R.S.O. 1914, c. 268, s. 16. Retirement by rotation.

16.—(1) Where the board of a high school situate in a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees as provided by subsection 1 of section 13, for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school. R.S.O. 1914, c. 268, s. 17 (1); 1925, c. 78, s. 11. Admission of county pupils to city or town school.

(2) The board of a high school situated in a city, town or village in a district without county organization may, by resolution, provide that the pupils of any municipality in such district shall have the right to attend such high school on the same terms as the pupils living in the city, town or village in which the high school is situate on the condition that the council of such municipality pay to such high school board the cost *pro rata* of the maintenance of such high school according to the number of pupils in attendance thereat from such municipality. R.S.O. 1914, c. 268, s. 17 (2). Admission of non-resident pupils in unorganized territory.

Election of trustee by municipality.

(3) The council of any municipality in respect to which a resolution has been passed by a high school board under subsection 2 may by by-law provide for the raising of the necessary money and the payment of the same to such high school board in accordance with the resolution, and thereupon the council shall be entitled to appoint a person qualified as provided under section 11 as a trustee to the board in addition to the other members of the board provided for by this Act. R.S.O. 1914, c. 268, s. 17 (3); 1925, c. 78, s. 12.

Term of office of trustee.

(4) A trustee appointed under subsection 3 shall hold office for three years and until his successor has been duly appointed, and shall have all the rights, powers and privileges of other members of the board with the exception that he shall not be entitled to vote on any matter relating to capital expenditure for land, buildings or permanent improvements not contributed to by the municipality appointing him. R.S.O. 1914, c. 268, s. 17 (4).

Order of retirement of trustees.

17. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. R.S.O. 1914, c. 268, s. 18.

Separate school board to appoint a trustee.

18. The board of separate school trustees of a city, town or village in which a high school is situate may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. R.S.O. 1914, c. 268, s. 19.

Appointment by public school trustees in urban municipalities.

19. Except in the case of a board of education the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is not a member of the public school board to the high school board of such urban municipality, and he shall hold office for one year. R.S.O. 1914, c. 268, s. 20.

Vacancies caused by annual retirement.

20.—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

Vacancies from other causes.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

Where separated town is re-united to county.

(3) Where a separated town is reunited to the county the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees

together with three trustees to be appointed by the county council shall then constitute the board of the high school district. R.S.O. 1914, c. 268, s. 21.

MEETINGS OF BOARD.

21.—(1) Unless all the members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board. First meeting of board.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman. Election of chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman. Vice-chairman.

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting. Chairman pro tem.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. Secretary and treasurer.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. Secretary pro tem.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum. Quorum.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose. Chairman at first meeting.

(9) In case of an equality of votes at the election of chairman the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. Equality of votes on the election of chairman.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. R.S.O. 1914, c. 268, s. 22. In other cases.

SECURITY OF TREASURER AND SECRETARY-TREASURER.

Security to be given by treasurer and secretary-treasurer.

22.—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate.

Audit.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. R.S.O. 1914, c. 268, s. 23.

DUTIES OF BOARD.

Duties of trustees.

23. It shall be the duty of every board and it shall have power,—

Fix meetings of board.

(a) to fix the times and places for the meetings of the board and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of school.

(b) to see that the school is conducted according to this Act and the regulations;

Accommodation for pupils.

(c) to provide adequate accommodation according to the regulations for all pupils, and in its discretion establish summer or vacation schools;

Charge of high school.

(d) to take charge of the school, to keep the school buildings and premises in proper repair, to provide suitable furniture and equipment and to protect the property of the board;

Collection of fees for tuition.

(e) subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment and, when necessary, to enforce payment thereof; R.S.O. 1914, c. 268, s. 24, cls. (a-e).

Transportation of pupils.

(f) to provide, where the board deems it expedient, for the transportation of pupils attending high school in a township and to enter into an agreement for that purpose with any municipal corporation or commission, or with any other person authorized so to do for granting special rates or making other arrangements for the transportation of such pupils on any street railway or by bus or otherwise and to pay for such transportation out of any funds available for the maintenance of the high school; 1926, c. 67, s. 6.

Security of treasurer or secretary-treasurer.

(g) to take proper security from the treasurer or secretary-treasurer;

- (h) to give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board; Orders for salaries and expenses.
- (i) to apply to the municipal council liable under this Act on or before the 1st day of August, or at such time before that day as may be required by the council, for such sums as the board may require for the maintenance of the school for the twelve months next following the date of such application apart from fees from pupils, the appropriation from the Legislative grant, the contribution by the county council and the revenue from other sources, and for such additional sum as may be deemed expedient for permanent improvements for the same period not exceeding \$500; Applications to councils, how made.
- (j) to expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice; Expulsion of pupils.
- (k) to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; Appointment and removal of teachers.
- (l) to certify to the treasurer of the county on or before the 1st day of August in each year the amount of fees collected from county pupils for the next preceding calendar year; Certify fees received.
- (m) to prepare and transmit on or before the 15th day of January in each year to the Minister the annual report in accordance with forms provided by the Department. R.S.O. 1914, c. 268, s. 24, cls. (f-l). Annual report to Minister.

24. The board may—

- (a) purchase for the use of pupils textbooks and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof; Purchase books and supplies, and furnish same free or collect fees for the use thereof.
- (b) provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving; Penny Savings Bank.

Dental and
medical
inspection.

- (c) provide and pay for such dental and medical inspection of the pupils as the regulations may prescribe, or in the absence of regulations, as the board may deem proper;

Travelling
expenses
attending
educational
association.

- (d) pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario. R.S.O. 1914, c. 268, s. 25.

Providing for
scholars'
attendance
at other
high schools.

25. With the approval of the Minister, to be given upon the recommendation of the high school inspector, the board may arrange for the instruction at a high school or collegiate institute in any other high school district in Ontario, of pupils who desire to take high school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses. 1918, c. 51, s. 4.

Supervising
principal in
urban muni-
cipality.

26. Where there are more high schools than one in an urban municipality the board may appoint a supervising principal having the qualifications of a high school principal who, subject to the regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board. R.S.O. 1914, c. 268, s. 26.

PROPERTY VESTED IN BOARDS.

High school
property
vested in
trustees.

27.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to
sell or con-
vey, etc.

(2) The board shall have full power to sell, convey, transfer or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. R.S.O. 1914, c. 268, s. 27.

Power to
sell site.

28. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell and transfer any site or other property vested in the board, and after making provision for all debts and liabilities of the board may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may by proclamation declare the corporation dissolved. R.S.O. 1914, c. 268, s. 28.

29. Where a high school has been established under this Act or a continuation school has been constituted a high school under section 13 of *The Continuation Schools Act*, the council of the county in the case of a county high school or the council of the city or town in the case of a high school in a city or separated town may, with the approval of the Minister, discontinue such high school, and the property of the school so discontinued may be disposed of as provided by section 28. 1914, c. 21, s. 59.

Discontinuing
high school.
Rev. Stat.
c. 325.

SCHOLARSHIPS.

30. Any person may, with the approval of the board, found a scholarship or prize. R.S.O. 1914, c. 268, s. 29.

Establish-
ment of
scholarship.

31.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district.

Scholarships
for public
and separate
school pupils.

(2) The number of such scholarships shall be fixed by the high school board which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor.

Number and
mode of
awarding.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in a municipality contributing to the maintenance of the high school. R.S.O. 1914, c. 268, s. 30.

Who may
receive.

32.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations.

Free
scholarships.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. R.S.O. 1914, c. 268, s. 31.

Rules as to.

33.—(1) Subject to the regulations the high school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules.

Board may
make annual
grant to the
superannua-
tion fund.

(2) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. R.S.O. 1914, c. 268, s. 32.

Investment
of funds.

Rev. Stat.
c. 150.

COUNTY GRANTS FOR MAINTENANCE OF HIGH SCHOOLS.

Agreement
by county
to co-operate
with muni-
cipalities in
cost of high
school educa-
tion.

34.—(1) The council of a county may before the 1st day of July in any year by by-law decide to provide for the cost of education of pupils at the high schools in the county by co-operation with the boards of high school trustees of the municipalities in the county on the following basis: Fifty per centum of the cost of education of resident pupils in any school to be borne by the county and fifty per centum of such cost by the high school district; and fifty per centum of the cost of education of county pupils to be borne by the county and fifty per centum of such cost by the municipalities in which the parents or guardians of the pupils reside.

Repeal of
county by-law.

(2) With the approval of the Lieutenant-Governor in Council the council of a county by by-law passed by a two-thirds vote of the members of the council present and voting thereon, before the 1st day of July in any year, may repeal any by-law passed under subsection 1 and thereafter and until another by-law is passed under subsection 1, section 35 shall apply as to the apportionment of the cost of education of resident pupils and county pupils in the county. 1925, c. 78, s. 17, *part*.

Mode of
determining
cost of educa-
tion of resi-
dent and
county pupils.

(3) Where the council of a county has passed a by-law under subsection 1, and while such by-law remains in force, the cost of education of resident and county pupils shall be determined as follows: The total cost per pupil per day shall be calculated by adding to the total amount expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures) the total cost of maintenance of the high school, and subtracting from this sum the amount apportioned out of the legislative grant and any amounts received from fees, and dividing the remainder by the total number of days' attendance of all pupils at the school during the year; the cost of education of resident pupils shall then be calculated by multiplying the cost per pupil per day by the total number of days' attendance of resident pupils during the year, and the cost of education of county pupils, by multiplying the cost per pupil per day by the total number of days' attendance of county pupils during the same period. 1925, c. 78, s. 17, *part*; 1927, c. 88, s. 8.

Arbitration
by judge in
case of dis-
agreement.

(4) Where the corporation of the county and any board or municipality do not agree as to the amount payable under subsections 1 and 3, such amount shall be ascertained by the judge on application of either party in a manner similar to that provided for in case of an application to the judge under section 35, and the provisions of that section as to such an application and the award to be made thereon shall *mutatis mutandis* apply.

(5) The costs of a reference to the judge shall be in his discretion and the amount thereof shall be fixed by him, and he may direct to and by whom and in what manner the same shall be paid. 1925, c. 78, s. 17, *part*.

Costs of reference.

35.—(1) Where the council of any county has not passed the by-law mentioned in subsection 1 of section 34, it shall on or before the 15th day of December in each year, pay to the board of every high school in towns not separated from the county, and in villages and townships within the county for the maintenance of the high schools, an amount equal to that apportioned by the Minister to such high schools out of the legislative grant for the maintenance of high schools.

Where no agreement for co-operation, county to pay equivalent of legislative grant.

(2) Where the cost of maintenance of county pupils at a high school and the share of the cost of education of county pupils which the area constituting the high school district paid to the county during the preceding year exceeds the amount apportioned by the Minister and the fees received, the council shall in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the board a sum to be calculated as follows: To eighty per centum of the total amount expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures) shall be added the total cost of maintenance of the high school; the amount apportioned out of the legislative grant, and any sums received for fees shall then be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years, and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years; and to the resulting amount there shall be added the share of the cost of education of county pupils which the area which constitutes the high school district paid to the county during the preceding year as included in the rates levied by the county council, according to the relative equalized value, and the total amount so ascertained shall be the sum payable by the council to the board.

County grant for maintenance of county pupils at high school.

(3) Where a high school has not been in existence for three years the attendance shall be reckoned for the period during which it has been open.

Reckoning attendance.

(4) The board and the county council may, by agreement, settle the amount to be paid by the county for the education of county pupils in any year, but if they do not agree the same shall be settled by the judge on the application of either party.

Agreement to settle amount.

(5) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 42.

Agreement not to affect county grant.

(6) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for

Material to be submitted on reference.

the high school for each of the preceding years or a less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board, of the names, residences and attendance of all resident, non-resident and county pupils for each of such years or for such period, and giving a separate list with names and addresses of the county pupils on whose account the demand for payment is made, and a statement, certified by the chairman, of the amount apportioned out of the legislative grants during each of such years or during such period, and shall also furnish to the judge such further information as he may require.

Costs of reference to judge.

(7) The costs of a reference to the judge shall be in his discretion and the amount thereof shall be fixed by him, and he may direct to and by whom and in what manner the same shall be paid. 1925, c. 78, s. 17, *part*; 1927, c. 88, s. 9.

County grant to agricultural department.

36. Where an agricultural department is established by the Minister in a high school, the council of the county in which the high school is situate shall, on or before the 15th day of December in each year, pay to the board of the school in which such department is established, the sum of \$500, which shall be applied by the board to the purposes of such department. 1925, c. 78, s. 17, *part*.

Maintenance of county pupils at high schools.

37.—(1) Where the board of a city or a separated town has notified the county clerk that the high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county are open to such pupils, the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per centum of the cost of education of county pupils at such high school.

Maintenance of pupils from adjacent county.

(2) Where the board of a city, town, village or township has notified the clerk of any county adjacent to that in which the high school is situate that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils, the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the education of pupils from such county attending such high school a sum equal to eighty per centum of the cost of the education of pupils at such high school.

Contributions by city to cost of maintenance of pupils at school in adjoining municipality.

(3) Where the board of a municipality contiguous to a city gives notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate the council of the city shall, on or before the 15th day of December in each year, pay to the board eighty per centum of the cost of the education of city pupils at the high school. 1921, c. 89, s. 14, *part*.

(4) The amount payable under subsections 1, 2 and 3 shall be ascertained as follows: The total expenditure on the high school shall be determined by taking the sum of the total expended for maintenance and the total expended for permanent improvements (including amounts expended in paying off debentures and in providing for the interest payable on such debentures):—from the total expenditure thus calculated the amount apportioned out of the legislative grant, and any sums received for fees shall first be deducted, the remainder shall be divided by the total number of days' attendance of all pupils at such high school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such county or municipality is liable; the percentage prescribed shall then be determined and the resulting amount shall be the sum payable by such county or municipality. 1925, c. 78, s. 18 (1).

Mode of ascertaining amount payable by county or municipality for non-resident pupils.

(5) Where the parties do not agree as to the amount so payable the same shall be ascertained by the judge on the application of either party.

Reference.

(6) On the reference to the judge the board shall submit to him statements similar to those mentioned in subsection 6 of section 35, certified in a similar manner, and shall furnish such further information as he may require. 1921, c. 89, s. 14, *part*.

Submission of material on reference.

(7) Where the council of a county has passed a by-law under subsection 1 of section 34 and while such by-law remains in force, the council of the county shall have the right to recover from the municipality in which the parents or guardians of the pupils reside fifty per centum of the cost of education of county pupils paid by the county under this section. 1925, c. 78, s. 18 (2).

Recovery of part of cost from municipality.

38. Where a municipality is called upon to pay a part of the cost of education of county pupils under subsection 1 of section 34, or under subsection 7 of section 37 of this Act, all parts of such municipalities as shall be included in a high school district shall be exempt from paying any part of such cost paid by the municipality except such portion of such cost (if any) as shall be incurred in connection with pupils whose parents or guardians reside within such exempted district. 1925, c. 78, s. 22, *part*.

Right of exemption of contributing municipalities

39. The costs of a reference to the judge under sections 35 or 37 shall be in his discretion and the amount thereof shall be fixed by him and he may direct to and by whom and in what manner the same shall be paid. R.S.O. 1914, c. 268, s. 36.

Costs of reference to judge.

COLLECTION OF RATES.

Councils to
levy rates in
high school
districts.

40. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding \$500 in any one year, if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district, unless one or more of the councils of the municipalities comprising the high school district assume greater obligations when the rate shall be such as may be mutually agreed to by the councils. R.S.O. 1914, c. 268, s. 37; 1915, c. 43, s. 7.

GRANTS FOR PERMANENT IMPROVEMENTS.

Grants for
permanent
improvements
exceeding
\$500.

41.—(1) Where the sum required by a board for permanent improvements exceeds \$500 the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application
of board to
council.

(2) The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum terms of years, not exceeding thirty, within which the sum required is to be repaid.

Council to
deal with
application.

(3) The council, or, if more than one, each of the councils applied to, at its first meeting after receiving the application, or as soon thereafter as possible shall consider and approve or disapprove the same; and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council. R.S.O. 1914, c. 268, s. 38 (1-3).

Issue of
debentures.

(4) If a council or a majority of the councils, where there are more than one, approve of the application the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*, or if it so desires the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. R.S.O. 1914, c. 268, s. 38 (4); 1914, c. 21, s. 60.

Rev. Stat.
c. 233.

Submission
of applica-
tion to rate-
payers.

(5) If the council, or half the number of councils where there are more than one, disapprove of the application such council, or each of such councils where there are more than one, on the request of the board shall submit the application

to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Municipal Act*, in the case of a money by-law.

Rev. Stat.
c. 233.

(6) If a majority of the votes cast throughout the high school district are in favour of the application the council of the municipality in which the high school is situate shall in the manner provided by *The Municipal Act*, but without submitting any by-law to the electors, raise the required sum by the issue of debentures.

When rate-
payers
approve
application
debentures
to be issued.
Rev. Stat.
c. 233.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the same to a vote of the electors. R.S.O. 1914, c. 268, s. 38 (5-7).

Council may
act without
submission
to ratepayers.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality each municipality shall be liable for such proportion of the principal and interest payable under and of the expenses connected with the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures, unless one or more of the councils assumes a greater obligation, when the proportion to be paid by each shall be such as the councils may mutually agree upon. R.S.O. 1914, c. 268, s. 38 (8); 1915, c. 43, s. 8.

Proportion-
ate liability
for debenture
debt.

(9) A debenture may be for such term of years, not exceeding thirty and not less than that mentioned in the application of the board, as the municipal council or councils concerned or a majority of them may think proper, or the council or councils or a majority of them shall, if the board has so requested, and may, whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*.

Term of
debentures.

Rev. Stat.
c. 233.

(a) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall for the purposes of this subsection be deemed a majority.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. R.S.O. 1914, c. 268, s. 38 (9, 10).

Municipality
in which high
school is situ-
ated may
assume full
cost of per-
manent im-
provements.

Council may raise further sum for high school purposes.

42.—(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required by this Act to raise, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned, except as hereinafter provided, among all the high schools, of the county in proportion to the liability of the county to each board.

County council may make grants to particular schools.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. R.S.O. 1914, c. 268, s. 39.

Payment of grants for permanent improvements.

43.—(1) All money which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such money.

For maintenance.

(2) All money which a council is required to collect by assessment, or to raise by way of loan or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. R.S.O. 1914, c. 268, s. 40.

Apportionment of high school grant in united counties.

44. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. R.S.O. 1914, c. 268, s. 41.

When schools to be free.

45.—(1) No fees shall be payable by pupils attending a high school which they have a right to attend under the provisions of this Act.

When fees may be charged.

(2) Pupils other than the pupils referred to in subsection 1 attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil for education in the high school.

Fees payable to treasurer.

(3) The fees payable under this section shall be payable to the treasurer of the board. 1921, c. 89, s. 15.

Maintenance of county pupils from municipality outside high school district

(4) The council of a municipality not included or not wholly included in a high school district shall provide by assessment for the payment of the maintenance, calculated in accordance with the provisions of section 35, of any pupils attending a high school in the county or in the district who reside in such municipality, but in the case of a municipality

not wholly included in a high school district such assessment shall be confined to the part which is not included within the high school district, provided, that such maintenance shall not be payable where the county council pays a maintenance grant instead of the equivalent apportioned out of the amount of the Legislative grant. 1922, c. 98, s. 21.

(5) The council of a county or of any municipality may enter into an agreement with the board of education or the high school board of any other municipality for the payment of the whole or part of any fees imposed on non-resident pupils attending a high school, collegiate institute or technical school under the control of the board of such municipality, and all agreements heretofore made by the council of a county or of any municipality for such purpose and all payments heretofore made under agreements, or otherwise, are hereby validated and confirmed and declared to have been legally made. 1924, c. 82, s. 17.

Agreements
as to fees of
non-resident
pupils.

46. County pupils shall have the right to attend any high school aided by the council of the county in which they or their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which they or their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the board. R.S.O. 1914, c. 268, s. 43.

What school
pupils may
attend.

HIGH SCHOOL ENTRANCE EXAMINATIONS.

General.

47. Subject to the regulations—

- (a) candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools;
- (b) candidates who have completed the course prescribed for the fourth form of the public school or who have in the opinion of a board of examiners completed a course which gives them an equivalent standing may in the discretion of such board of examiners be by it admitted to the high schools without passing such entrance examination;
- (c) a candidate shall be entitled to enter a high school while it is conducted at night if in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the

Who may be
admitted to
high schools

Discretion
of board of
examiners.

Provision
for attend-
ance at high
school con-
ducted at
night.

subjects as prescribed by the regulations; but such admission shall not entitle him to admission to the high school when conducted by day. R.S.O. 1914, c. 268, s. 44.

Examination for entrance into middle school of high school.

48.—(1) Subject to the regulations the Minister may establish an examination for entrance to the middle school of the high schools for those who have completed the course prescribed for the lower school of the high schools, and such examinations shall be known as the "senior high school entrance examination."

"The Junior High School Entrance Examination."

(2) After the establishment of such examination the entrance examination provided for by section 47 shall be known as the "junior high school entrance examination." R.S.O. 1914, c. 268, s. 45.

Who may be examiners at entrance examinations.

49.—(1) Subject to the regulations any person actually engaged in teaching in the high school district, if a qualified examiner can be obtained therein, who holds—

- (a) a permanent high school certificate; or
- (b) a permanent first class certificate, or
- (c) a provincial second class certificate, and has had three years' experience as a teacher

may be appointed a presiding officer or a member of a board of examiners. R.S.O. 1914, c. 268, s. 46 (1); 1927, c. 88, s. 10.

Member of board may be suspended for non-observance of regulations, etc.

(2) The Minister may suspend any member of the board from membership therein for such period as he may deem expedient in case of the failure of such member to properly observe the regulations with regard to high school entrance examinations or of being guilty of other misconduct in office.

Appointment during suspension.

(3) The Minister may appoint some other qualified person to act in the place of the member so suspended. R.S.O. 1914, c. 268, s. 46 (2, 3).

In the Counties.

Centres to be established.

50.—(1) (a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council. The county clerk or the secretary of the board, as the case may be, shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts. R.S.O. 1914, c. 268, s. 47 (1), (a).

One board of examiners for each district.

(b) A high school district shall be under one board of examiners. The public school inspector or inspectors where there

are two or more of an inspectorate in which a high school centre or attached county centre is situate and the high school principal or principals and the technical, commercial or vocational school principal or principals in the high school district shall be members of the board of examiners. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June in any year, appoint an additional member to the board. The county council may also on or before the 1st day of June in any year appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached. R.S.O. 1914, c. 268, s. 47 (1), (b); 1925, c. 78, s. 19; 1927, c. 88, s. 11.

(2) (a) In a county, city or separated town, in which no high school has been established, the council of the county, city or town, at its meeting in June in each year, shall appoint a board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county. R.S.O. 1914, c. 268, s. 47 (2), (a); 1917, c. 27, s. 49. Examiners in counties not having a high school.

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres. R.S.O. 1914, c. 268, s. 47 (2), (b). County centres.

(3) Subject to the regulations, every board of examiners shall in each year appoint such additional members as may be required. Additional examiners.

(4) Subject to the regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres by the treasurer of the county, and in the case of the high school district centres by the treasurer of the high school board. Payment of examiners' fees.

(5) The county council or the high school board, as the case may be, may impose a fee not exceeding \$1 upon each candidate at the county and the high school district centres, which shall be paid by the candidate as prescribed by the regulations, and shall be paid over at or before the close of the written examination to the treasurer of the county or of the board, as the case may be. R.S.O. 1914, c. 268, s. 47 (3-5). Candidates fees.

In the Territorial Districts.

51.—(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school. The inspector for the inspectorate in which the high Examiners in territorial districts.

school is situate and the high school principal or principals in the high school district shall be members of the board. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the 1st day of June of any year, appoint an additional member. Subject to the regulations, the board of examiners in each year shall appoint such additional members as may be required, and preference shall be given to the principals of continuation schools in the inspectorate.

Examination
centres.

(b) One or more centres shall be established by the high school board in each high school district and, with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate.

Where no
high school
has been
established.

(2) (a) In an inspectorate in which no high school has been established there shall be a board of examiners consisting of the public school inspector and as many more members as may appear to him to be necessary appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate.

How
selected.

(b) In such inspectorates the centres shall be selected by the inspector with the approval of the Minister.

Expenses,—
how borne.

(3) Subject to the regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose. R.S.O. 1914, c. 268, s. 48.

HIGH SCHOOL TEACHERS.

Qualification.

52.—(1) No person shall be appointed principal or assistant teacher in a high school who does not possess the qualifications prescribed by the regulations.

Regulations
to apply.

(2) Every teacher of a high school shall in the organization, discipline, management and classification of the pupils be subject to the regulations.

Superannu-
ation.
Rev. Stat.
c. 323.

(3) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. R.S.O. 1914, c. 268, s. 49.

AGREEMENTS.

Proportion
of salary to
which teacher
entitled.

53.—(1) A teacher who enters into an agreement with a board for one year and who serves under such agreement for three months or over shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

(2) A teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the board without a certificate. R.S.O. 1914, c. 268, s. 50 (1, 2). Sickness or dental treatment.

(3) Every teacher shall be entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. 1927, c. 88, s. 12. Absence of teacher in quarantine.

(4) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister who may make such order with regard to the suspension as he may deem proper. Suspension for neglect of duty.

(5) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to the same right of appeal as under *The Public Schools Act*. R.S.O. 1914, c. 268, s. 50 (3, 4). Disputes between teachers and trustees. Rev. Stat. c. 323.

54. Subject to the approval of the Minister, a high school board or a board of education may appoint one or more officers qualified according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils of the schools under the charge of the board as will enable them to plan intelligently for their vocational and educational advancement and every person so appointed shall be subject to the control of the board. 1921, c. 89, s. 16. Appointment of advisory officers.

RETIRING ALLOWANCES.

55. Where a teacher or an officer whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life computed on the basis of interest at the rate of four per centum per annum. R.S.O. 1914, c. 268, s. 51. Retiring allowance to teachers.

SCHOOL YEAR AND HOLIDAYS.

Terms.

56.—(1) The school year shall consist of three terms; the first shall begin on the first Tuesday of September and end on the 22nd of December; the second shall begin on the 3rd of January and end on the Thursday before Easter Day, and the third shall begin on the second Monday after Easter Day and end on the 29th of June. R.S.O. 1914, c. 268, s. 52 (1).

Holidays.

Rev. Stat.
c. 262.

(2) Every day upon which a school is closed under the provisions of *The Public Health Act* or under the regulations of the Department of Education, every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the school is situate shall be a school holiday. R.S.O. 1914, c. 268, s. 52 (2); 1919, c. 73, s. 17.

AUTHORIZED BOOKS.

Text-books.

57.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book except such as is authorized by the regulations, and the Minister, upon report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used.

Change of
text-books.

(2) Subject to the regulations an authorized text-book in actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. R.S.O. 1914, c. 268, s. 53.

OFFENCES AND PENALTIES.

Seat vacated
by interest in
contract
with board.

58. A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality or the appointing body of the vacancy. R.S.O. 1914, c. 268, s. 54.

Newspaper
proprietors
inserting
official ad-
vertisements
not disquali-
fied from sit-
ting on
boards, etc.

59. No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such

advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. R.S.O. 1914, c. 268, s. 55.

60. If a trustee is convicted of an indictable offence, or becomes insane, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county, municipality or district for which he was appointed, he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. R.S.O. 1914, c. 268, s. 56; 1925, c. 78, s. 13.

Seat vacated
by conviction
for crime, etc.

61. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held or so near thereto as to interfere with the order or exercises of the school, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 57.

Disturbing
schools.

62. If a teacher negligently or wilfully permits an unauthorized book to be used as a text-book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion. R.S.O. 1914, c. 268, s. 58.

Substitution
of unauthor-
ized text-
books.

63.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act shall incur a penalty of \$20 for every meeting at which he so sits or votes.

Disqualified
persons acting
as trustees.

(2) Every person appointed as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 59.

Penalty for
refusal to
perform
duties.

64. A trustee shall not be eligible for appointment as a high school teacher, nor shall the teacher of a high, public or separate school hold the office of high school trustee. R.S.O. 1914, c. 268, s. 60.

Disquali-
fication for
holding cer-
tain offices.

65. If a board refuses or neglects to take proper security from the treasurer or other person to whom they entrust school money and any school money is forfeited or lost to the board in consequence of such refusal or neglect every member of the board shall be personally liable for such money, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested

Liability for
neglect to
take security.

in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. R.S.O. 1914, c. 268, s. 61.

Trustee may not be secretary, treasurer, or bondsman.

66. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school money. R.S.O. 1914, c. 268, s. 62.

Duty to deliver up books or money.

67.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise shall not wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

Summons for appearance.

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon such treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

Service of summons.

(3) A bailiff of a division court upon being required so to do by the judge shall serve the summons, or a true copy thereof, on the person complained against personally or by leaving the same with a growu-up person at his residence.

Order to account.

(4) At the time and place so appointed the judge if satisfied that service has been made shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Effect of non-compliance with judge's order.

(5) In the event of non-compliance with the order the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge on complying with order.

(6) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just. Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1914, c. 268, s. 63. Other remedy not affected.

68. It shall be the duty of a board and of the treasurer, secretary or secretary-treasurer to furnish the auditors with any papers and information in their power which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 64. Penalties on trustees refusing information, etc., to auditor.

69. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, such trustee or teacher shall for every offence incur a penalty not exceeding \$20. R.S.O. 1914, c. 268, s. 65. Penalty for false school reports and registers.

70.—(1) No person other than a ratepayer, trustee or high school teacher may take proceedings to recover any penalty imposed by this Act. Who may prosecute.

(2) Every penalty imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, and unless otherwise provided shall be payable to the treasurer of the board of the high school district in which the offence was committed and shall be applied to high school purposes, except when the penalty is imposed upon a treasurer, secretary or secretary-treasurer, in which case the same shall be payable to the chairman of the board and shall be applied to high school purposes. R.S.O. 1914, c. 268, s. 66, *part*. Payment and application of penalties. Rev. Stat. c. 121.

[N.B.—*A trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and any one employing or paying him to act as agent or otherwise, are liable to the penalties imposed by the Department of Education Act, Rev. Stat., c. 322.*]